

REMARKS/ARGUMENTS

Claims 1-6 and 9-37 are pending.

In the outstanding Office Action Claims 1, 19, 21-24 and 30-31 were objected to as containing informalities; and Claims 1-6 and 9-37 were rejected as being unpatentable over Linden et al. (U.S. Patent No. 6,266,649, hereinafter "Linden") in view of Sumita et al. (U.S. Patent No. 6,581,207, hereinafter "Sumita").

With regard to the objections to the claims, the Office Action requests that the claims be amended to refer to a computer apparatus or a computer-implemented method. However, Applicants object to this request, as the Board of Patent Appeals and Interferences has made it clear in *Ex Parte Lundgren*, BPAI 2003-2088 that there is no separate technological arts test. Therefore the basis of the request to include a reference to a computer in the preamble is unnecessary in view of *Ex Parte Lundgren*.

With regard to Claim 1, Claim 1 is directed to a method of generating sequencing information representing a sequence of items selected in a database. Each item includes a set of descriptors. The method includes a step of specifying a length of the sequence and at least one of the descriptors. A second step includes applying similarity relation techniques between the items of the sequence under construction, in which for at least one item to appear in the sequence, the item is chosen from the database on the basis of a similarity relation with a neighboring item of the sequence with which the chosen item is associated so as to create a morphological continuity along the sequence. Finally the method includes a step of producing the associated items as at least part of the generated sequence, the sequence consequently having a morphological continuity.

The outstanding Office Action asserts that Linden substantially teaches the claimed invention, but does not specifically teach the similarity relation techniques based on morphological affinity. The Office Action attempts to cure this deficiency by asserting

Sumita. However, Applicants traverse this combination of references because even if the combination is made, the combination does not teach or suggest the claimed step of producing said associated items as at least part of the generated sequence.

The language asserted by the Examiner for support, is at column 11, lines 16-32 of Linden. This section of Linden describes a situation where an already generated list 64 having N items is formed. Each of the items in the list is stored together with a commonality index value which indicates a relatedness of that item to a particular popular item. The similarity list may be weighted by the commonality index value to generate a score, and a list is formed in order of the highest to lowest score.

The outstanding Office Action asserts that it is this sorting of the weighted scores that corresponds with the claimed producing step. However, this is not possible. The claim requires producing the associated items as part of the generated sequence. These items are a sequence of items of the sequence under construction and are from the database. However, in Linden, the scores in the items described at column 11 of Linden cannot be assimilated to the descriptors stored in the database, as claimed. Moreover, by use of the weighting functions, the scoring is not previously stored as an item descriptor in the database. Rather, the scores are calculated afterwards based on the weights derived from client information. Thus, the resulting list is created on the fly, and does not correspond with the sequence of items selected in the database.

Moreover, a score (as described in Linden) cannot be assimilated to a descriptor since a score has no significance to describe the item itself. The score only defines a relationship with another item in a particular case. A score is not descriptive of the item, but rather is a description of a relation to another item. This is quite different than the presently claimed invention, where a particular item is chosen from the database on the basis of a similarity

relation with a neighboring item of the sequence with which the chosen item is associated so as to create a morphological continuity along the sequence.

Therefore, based on the teachings of Linden, one of ordinary skill in the art would have no incentive to look for a morphological continuity in the sequence, as required by Claim 1. Rather, according to the language cited from column 11 in Linden, the score ranking is the only useful criterion for sorting the items. The relationship between successive scores in the sorted list is then only “score n being greater than score n+1”. Thus, morphological continuity makes no sense in this case, since there is no use for an additional sorting rule.

Linden is further incompatible with the notion of a morphological continuity search in that Linden stores items in a list only because of their relationship to an external reference item. Moreover, the items in the sorted list as described in Linden, have no relationship amongst themselves, and thus the continuity among these sorted items would be of no real use. Rather, it is the weighting relationship that is externally applied from external sources, that provide any kind of relationship between different items.

Therefore, it is clear that Linden aims at presenting items in the order of sales probability, based on interest expressed by a present consumer. It follows that introducing a variation in successive items according to the presently claimed invention, is not neither taught nor suggested in Linden, nor is it a logical extension or even valuable to Linden. Since the introduction of a variation between successive items of the sorted list is of no use in a sales context, it is respectfully submitted that one of ordinary skill in the art, based on the teachings of Linden, would have no motivation to modify Linden to incorporate the morphological continuity between items in the sequence according to the presently claimed invention. Moreover, neither Linden describes this feature, nor Sumita. Thus, the

combination of Linden and Sumita, no matter how combined, neither teach nor suggest all the features of independent Claim 1.

Although of differing scope, and/or statutory class, it is respectfully submitted that the invention defined by Claims 2-6 and 9-37, also patentably define over the asserted prior art for substantially the same reasons as discussed above with regard to Claim 1.

Consequently, in view of the above discussion it is respectfully submitted that the invention defined by Claims 1-6 and 9-37 is patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance. And an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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